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*Attorneys for Defendants
 Clark County School District (CCSD);
 Pat Skorkowsky, CCSD Board of School
 Trustees; Erin A. Cranor; Linda E. Young;
 Patrice Tew; Stavan Corbett; Carolyn Edwards;
 Chris Garvey; Deanna Wright; Thurman White
 Middle School (TWMS); Principal Andrea Katona;
 Dean Ron Kamman; Dean April Barr; Sabreena
 Adams; Mrs. Kim Jefferson; and Andre Long*

**IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

JASON LAMBERTH, as father in his
 individual capacity and estate representative
 of HAILEE JOY LAMBERTH; JENNIFER
 LAMBERTH, as mother in her individual
 capacity and estate representative of HAILEE
 JOY LAMBERTH; and JACOB
 LAMBERTH, brother of HAILEE JOY
 LAMBERTH,

Plaintiffs,

vs.

CLARK COUNTY SCHOOL DISTRICT
 (CCSD); Pat Skorkowsky, in his official
 capacity as CCSD superintendent; CCSD
 BOARD OF SCHOOL TRUSTEES; Erin A.
 Cranor, Linda E. Young, Patrice Tew, Stavan
 Corbett, Carolyn Edwards, Chris Garvey,
 Deanna Wright, in their official capacities as
 CCSD BOARD OF SCHOOL TRUSTEES;
 THURMAN WHITE MIDDLE SCHOOL
 (TWMS); Principal Andrea Katona, in her
 individual and official capacity as principal of
 TWMS; Dean Ron Kamman, in his individual
 and official capacity as Dean at TWMS; Dean
 April Barr, in her individual and official
 capacity as Dean at TWMS; Sabreena Adams.

Case No.:

JOINT NOTICE OF REMOVAL

Clark County District Court
 Case No. A-14-708849-C

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in her individual and official capacity as counselor at TWMS; Mrs. Kim Jefferson, in her individual and official capacity as instructor at TWMS; Andre Long, in his individual and official capacity as Academic Manager of CCSD,

Defendants.

Defendants Clark County School District ("CCSD"); Pat Skorkowsky, Clark County School District Board of School Trustees; Erin A. Cranor; Linda E. Young; Patrice Tew; Stavan Corbett; Carolyn Edwards; Chris Garvey; Deanna Wright; Thurman White Middle School ("TWMS") (a non-entity, erroneously sued);¹ Principal Andrea Katona; Dean Ron Kamman; Dean April Barr; Sabreena Adams; Mrs. Kim Jefferson; and Andre Long all jointly remove this action from the Eighth Judicial District Court for the State of Nevada to the United States District Court for the District of Nevada pursuant to 28 U.S.C. § § 1441, 1446. The Defendants base their removal of this case upon federal question jurisdiction under 28. U.S.C. § 1331, because Plaintiffs' Complaint alleges several claims arising under federal law.

I. The State Court Action

A. This action was filed on October 22, 2014 in the Eighth Judicial District Court of the State of Nevada. Plaintiffs are the parents and brother of Hailey Joy Lambert. Plaintiffs claim the Defendants failed to protect Hailee from harassment and bullying and that such caused Hailee to commit suicide.

B. Plaintiffs claim violations of both federal and state laws, i.e., 1) wrongful death/negligence; 2) wrongful death/negligence per se violations of the Nevada Revised Statutes and CCSD policies; 3) negligent infliction of emotional distress (bystander); 4) Section 1983 claim for violations of U.S. Constitution substantive due process rights; 5) Section 1983 claim (*Monell* liability) for U.S. Constitution substantive due process rights; 6) Section 1983 claim for violations of expressive association right under the U.S. Constitution; 7) Section 1983 claim (*Monell* liability) for violations of expressive association right under the U.S. Constitution; 8) defamation;

¹ TWMS is a building (i.e., real property) not capable of being sued. As a non-entity, the CCSD Defendants will seek the dismissal of TWMS.

9) negligent infliction of emotional distress (individual); 10) unreasonable publicity given to private facts; and 11) false light invasion of privacy.

C. In the Complaint, Plaintiffs allege that “this action arises under the N.R.S., the Nevada State Constitution, the U.S. Constitution, and 42 U.S.C. § 1983.” *See* Compl. at ¶ 4, attached as **Exhibit A**.

D. The Defendants remove this case based on federal question jurisdiction because several of Plaintiffs’ claims allege violations of federal law and U.S. Constitutional rights.

E. By removing this case to federal court, the Defendants do not waive any defenses available to them.

II. This Court Has Federal Question Jurisdiction

A. Under 28 U.S.C. § 1331, “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

B. The “presence or absence of federal-question jurisdiction is governed by the ‘well-pleaded complaint rule,’ which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.” *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). In other words, federal question jurisdiction exists where the “[c]omplaint establishes either that federal law creates the cause of action or that...plaintiff’s right to relief necessarily depends on resolution of a substantial question of federal law.” *Franchise Tax Bd. v. Constr. Laborers Vacation Trust*, 463 U.S. 1, 27-28 (1983).

C. This Court has original and exclusive federal question jurisdiction, pursuant to 28 U.S.C. § 1331, over several of Plaintiffs’ claims, including the Fourth, Fifth, Sixth and Seventh Claims for Relief (see section I(B) above).

D. In fact, Plaintiffs allege the following:

1. Several of the Defendants violated decedent Hailee Joy Lamberth’s substantive due process rights provided for under the Fifth and Fourteenth Amendments to the U.S. Constitution. *See* Compl. at ¶¶ 90, 95, 99.
2. Several of the Defendants “violated the First and Fourteenth Amendments rights under the United States Constitution of Plaintiffs Jason

Lamberth...Jennifer Lamberth...and Jacob Lamberth.” *See* Compl. at ¶ 96. These alleged violations include “depriving [these Plaintiffs]...of their First Amendment right of expressive association with decedent Hailee Joy Lamberth and their Fourteenth Amendment liberty interest in decedent’s” companionship. *Id.*; *see also* ¶¶ 99, 101.

3. Plaintiffs invoke 42 U.S.C. § 1983 and 42 U.S.C. § 1988 as applicable law. *See, e.g.,* Compl. at ¶ 93.

E. Supplemental jurisdiction of Plaintiffs’ remaining state law claims is proper under 28 U.S.C. § 1367(a) as these claims are “so related to claims in the action within [the Court’s] original jurisdiction that they form part of the same case or controversy.” Specifically, Plaintiffs’ state law claims arise from the same facts and circumstances as the federal claims, i.e. the alleged bullying of Hailee Joy Lamberth by students and her subsequent suicide.

III. Removal Is Timely

A. This action was filed on December 22, 2014 in the Eighth Judicial District Court of the State of Nevada.

B. Defendants Clark County School District, Clark County Board of School Trustees, Stavan Corbett, Carolyn Edwards, Linda E. Young, Patricia Tew, Deanna Wright, Pat Skorkowsky, Erin A. Cranor, and Chris Garvey were served on November 6, 2014.

C. Defendant Andre Long was served on November 7, 2014.

D. Defendants April Barr, Andrea Katona, Sabreena Adams, Ron Kamman and Kim Jefferson were served on November 12, 2014.

E. Defendant Thurman White Middle School has not yet been served.

F. A notice of removal must be filed “within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading . . . or within thirty days after the service of summons upon the defendant . . .” *See* 28 U.S.C. § 1446(b). This notice is timely filed within the 30-day period for removal.

IV. The Defendants Have Met All Other Requirements For Removal

A. This Court has federal question jurisdiction under 28 U.S.C. § 1331, and

supplemental jurisdiction over state claims under 28 U.S.C. § 1367.

B. Removal is proper pursuant to 28 U.S.C. §§ 1441 and 1446.

C. The United States District Court for the District of Nevada embraces the locality in which the state court action is now pending, making this Court a proper forum pursuant to 28 U.S.C. § 1446(a).

D. All defendants consent to removal.

E. No previous application has been made for the relief requested herein.

F. The defendants have attached to this notice, copies of all process, pleadings and orders filed in the Eighth Judicial District Court of Nevada prior to the filing of this Notice of Removal, attached as **Exhibit B**.

G. The defendants have concurrently filed a copy of this notice in the Eighth Judicial District Court of Nevada.

H. Plaintiffs have been served with a copy of this notice.

DATED this 5th day of December, 2014.

LEWIS ROCA ROTHGERBER LLP

By: 

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CERTIFICATE OF SERVICE

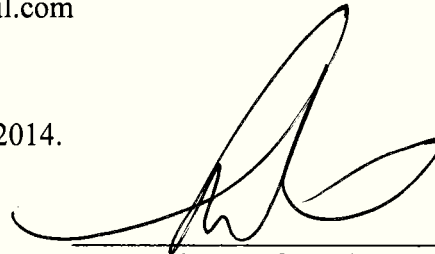
I hereby certify that on December 5, 2014, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing on the CM/ECF registrants.

I hereby further certify that on December 5, 2014, service of the foregoing was made by first class U.S. Mail and via email to the following:

Allen Lichtenstein, Esq.
Staci Pratt, Esq.
Allen Lichtenstein, Ltd.
3315 Russell Road, No. 222
Las Vegas, NV 89120

allaw@lvcoxmail.com

DATED this 5th day of December, 2014.



An Employee of Lewis Roca Rothgerber LLP

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